

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23332 of 2007(C)

OS.3/1999 of II ADDL. DISTRICT COURT, TRIVANDRUM
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PETITIONER:

J.R.VINCENT, S/O JESSY,
T.C.11/326, NANTHANCODE WARD, KOWDIAR VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:

JUSTUS SARASAM, S/O MANUEL SARASAM,
VALIYAVILAKATHU PUTHEN VEEDU,
KAVALAKULAM, NEYYATTINKARA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.KRISHNAN, J.

WP (C) No.23332 OF 2007 C

Dated this the 31st July, 2007.

JUDGMENT

This writ petition is filed against the order of the II Additional District Judge, Thiruvananthapuram in a petition filed for summoning documents which according to the petitioner is in the custody of government officials. Rule 120 of the Civil Rules of Practice deals with the production of records in the custody of a public officer other than a court. Rule 120(3) makes it imperative that no court shall issue such summons unless it considers the production of the original necessary or is satisfied that the application for a certified copy has been duly made and has not been granted. Just because it will incur expenditure one cannot summon the document in the light of Rule 120(3) of the Civil Rules of Practice. I make it clear that when the petitioner makes an application for a copy under Rule 120 and if it is not issued then the court below is directed to summon for the documents and direct the party to bear the expenses for such summons. So, by reserving that right the writ petition is disposed of.

M.N.KRISHNAN
Judge